

CONSULTATION AND COORDINATION

COMPLIANCE WITH FEDERAL AND STATE LAWS, EXECUTIVE ORDERS, AND REGULATIONS

In implementing the *Isle Royale National Park General Management Plan*, the National Park Service would comply with all applicable laws and executive orders, including those listed below. Informal consultation with the appropriate federal, state, and local agencies has been conducted in the preparation of this document.

The *Draft General Management Plan / Environmental Impact Statement* was on public review for 45 days. The *Final General Management Plan / Environmental Impact Statement* responds to or incorporates the public comments on the draft document. After a 30-day no-action period, a record of decision will be prepared to document the selected alternative and set forth any stipulations for implementation of the general management plan, thus completing the requirements of the National Environmental Policy Act.

This environmental impact statement is essentially a programmatic statement, presenting an overview of potential impacts relating to the proposed program for each alternative. More detailed plans may be developed for individual actions. Any such document would be tiered to this programmatic statement.

Cultural Resources

The National Park Service is mandated to preserve and protect its cultural resources through the act of August 25, 1916, and through specific legislation such as the Antiquities Act of 1906, the National Environmental Policy Act of 1969, and the National Historic Preservation Act of 1966 as amended in 1992. Cultural resources in Isle Royale National Park would be managed in accordance with these acts and with chapter V of *NPS Management Policies*, the *Cultural Resources Management Guidelines* (NPS-28), and other relevant policy directives, such as the *NPS Museum Handbook*, the *NPS Manual for Museums*, and *NPS-6, Interpretation and Visitor Services Guidelines*.

As part of its cultural resource management responsibilities, the National Park Service surveys and evaluates all cultural resources under its jurisdiction. Cultural resources are evaluated by applying the criteria of the National Register of Historic Places. In addition, the National Park Service maintains the *List of Classified Structures*, which is an inventory of all above ground historic and prehistoric structures in the national park system. All cultural resources eligible for the national register are recorded and measured according to professional standards.

Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470, et seq.) requires that federal agencies that have direct or indirect jurisdiction take into account the effect of undertakings on national register properties and allow the Advisory Council on Historic Preservation an opportunity to comment. Toward that end the National Park Service would work with the Michigan State Historic Preservation Office and the advisory council to meet requirements of 36 CFR 800 and the September 1995 programmatic agreement among the National Conference of State Historic Preservation Officers, the Advisory Council on Historic Preservation, and the National Park Service. This agreement requires the Park Service to work closely with the state historic preservation office and the advisory council in planning for new and existing NPS areas.

The agreement also provides for a number of programmatic exclusions for specific actions that are not likely to have an adverse effect on cultural resources. These actions may be implemented without further review by the Michigan State Historic Preservation Office or the Advisory Council on Historic Preservation (reducing required consultation with the state historic preservation office) provided that NPS internal review finds the actions meet certain conditions. Undertakings, as defined in 36 CFR 800, not specifically excluded in the programmatic agreement must be reviewed by the state historic preservation office and the advisory council before implementation.

Throughout the process there will be consultation on all potential actions.

The National Park Service has developed a list of actions associated with the proposed general management plan that could have an effect on cultural resources. Some of these actions are covered by programmatic exclusions, and would require no further SHPO/ACHP review, but others would need further SHPO/ACHP review. This information is presented in table 17.

The *Final General Management Plan and Environmental Impact Statement* includes a list of actions with which the Michigan Historic Preservation Office concurs. In addition, the Michigan Historic Preservation Office will be involved in updating the List of Classified Structures and the development of cultural landscape reports that are part of the implementation of the proposed action. When the List of Classified Structures is finalized the Michigan Historic Preservation Office will receive the list along with photographs of all national register-eligible property. The Michigan Historic Preservation Office will be provided these documents for review and comment. The Michigan Historic Preservation Office further will be consulted in any priority setting for adaptive use of structures undertaken by the park. The adaptive or new uses could include, but not be limited to, such functions as park housing, or visitor lodging, storage, or emergency shelter. Archeological surveys would be part of any park development work. If a structure is scheduled for abandonment or demolition, it would be evaluated for national register eligibility and the Michigan Historic Preservation Office would provide documentation for review and comment.

Internally, the National Park Service will complete an "Assessment of Actions Having an Effect on Cultural Resources" form before implementation of any proposed actions. This is necessary to document any project effects, outline actions proposed to mitigate any effects, and document that the proposed actions flows from the general management plan. All implementing actions for cultural resources would be reviewed and certified by cultural

resource specialists following the September 1995 programmatic agreement.

Prior to any ground-disturbing action by the National Park Service, a professional archeologist would determine the need for archeological inventory or testing evaluation. Any such studies would be carried out in conjunction with construction and would meet the needs of the state historic preservation offices, as well as the National Park Service. Any large-scale archeological investigations would be undertaken in consultation with the state historic preservation officer.

Section 110 of the National Historic Preservation Act requires the National Park Service to identify and nominate to the National Register of Historic Places all resources under its jurisdiction that appear to be eligible.

NPS historic areas are automatically listed on the national register upon their establishment by law or executive order.

The following studies as defined in NPS-28 (*Cultural Resource Management Guideline*) are needed for the park:

- ethnographic overview and assessment
- ethnographic oral history and life histories
- ethnographic program
- park administrative history
- ethnohistory

Ongoing research has not been fully incorporated into the park's database. The following items should be updated:

- cultural sites inventory
- cultural resources base map
- List of Classified Structures
- cultural landscape inventory

During the implementation phase of the proposed action, archeological surveys, historic structures reports, and ethnographic use studies may be required. Determinations would be made on a case-by-case basis as planning for construction is funded and undertaken.

**TABLE 17. ACTIONS THAT COULD AFFECT CULTURAL RESOURCES AND
ASSOCIATED STATE HISTORIC PRESERVATION OFFICE AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION COMPLIANCE REQUIREMENTS**

ACTIONS	COMPLIANCE REQUIREMENTS
Adaptive use of structures and disturbed areas at Barnum, Washington, and Wright Islands and Crystal Cove and Fishermans Home.	Requires further SHPO/ACHP review if adaptive use of structures is undertaken and/or survey determines presence of archeological resources
Transfer of Passage Island, Isle Royale, and Rock of Ages Lighthouses to the National Park Service	Requires further SHPO/ACHP review when NPS and/or partners develop plans for the stabilization, maintenance, and interpretation of these structures
Change of services at Rock Harbor	Requires further SHPO/ACHP review only if service changes result in alteration of structures that are eligible for or on the national register
Removal and relocation of McCargoe Cove dock and new boater campground	Further SHPO/ACHP review necessary to assess effects on cultural resources
Elimination of hiking trail segment at Chippewa Harbor and new camp sites for paddlers	Further SHPO/ACHP review necessary to assess effects on cultural resources
New group campsite at Belle Isle	Further SHPO/ACHP review necessary to assess effects on cultural resources
Removal of dock and breakwater at Siskiwit Bay campground, removal of dock at Threemile and Duncan Bay	Further SHPO/ACHP review necessary if actions are determined to affect submerged cultural resources
New trail from old McCargoe to new McCargoe campground	Further SHPO/ACHP review necessary to assess the effect of the trail on cultural resources
Retain national register-eligible properties if a potential use is identified	Requires further SHPO/ACHP review when structures are identified
Develop new headquarters facilities at Houghton	No further SHPO/ACHP review unless survey determines that site contains archeological resources
New campground and dock at Johns Island; evaluate structure at Johns Island for national register eligibility	Requires further SHPO/ACHP review to determine impacts on cultural resources
Replace dock at Hay Bay and strengthen breakwater at Malone Bay	Requires further SHPO/ACHP review to determine impacts on cultural resources

Tribal Consultation

The Keweenaw Bay Indian community of L'Anse and Ontonagon bands of Chippewa Indians and the Grand Portage band of the Minnesota Chippewa tribe were invited to the GMP scoping meeting on February 21, 1995. Keweenaw Bay sent a representative, Mike

Donofrio, the tribal biologist. Grand Portage did not send a representative.

In August 1995 letters were sent to the Grand Portage, Keweenaw Bay, Bay Mills Indian community of the Sault Ste. Marie band of Chippewa Indians, Lac Vieux Desert band of Lake Superior Chippewa Indians of Michigan, Bad River band of the Lake Superior tribe of

Chippewa Indians, and Red Cliff band of Lake Superior Chippewa Indians of Wisconsin. The letters informed them about the GMP process, let them know that they had been placed on the GMP mailing list, and asked them how and to what extent they would like to be involved. The tribes received *Newsletter #1* in November 1995 and *Newsletter #2* in December 1995 and *Newsletter #3* in June 1996.

Park staff met with the Keweenaw Bay tribal council in Baraga in February 1996 to discuss the GMP effort and general park issues.

In September 1996 the park received a letter from the Great Lakes Indian Fish and Wildlife Commission requesting a formal consultation about the general management plan, specifically to discuss the accommodation of treaty rights.

In December 1996 the park updated the tribal mailing list and added the Sokaogon Chippewa community of the Mole Lake band of Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sault Ste. Marie tribe of Chippewa Indians of Michigan, Lac Courte Oreilles band of Lake Superior Chippewa Indians, Lac du Flambeau band of Lake Superior Chippewa Indians, Minnesota Chippewa tribal executive committee (which represents six tribes of Minnesota Chippewa Indians), and the Great Lakes Indian Fish and Wildlife Commission, which represents 11 bands of Chippewa Indians of Michigan, Minnesota, and Wisconsin. These tribes and organizations were sent *Newsletter #4* and the previous three newsletters. The park confirmed receipt of the mailing.

On January 9, 1997, park staff met in St. Paul with other NPS personnel to discuss treaty rights, commercial fishing issues, and GMP tribal consultation before meeting with the Great Lakes Indian Fish and Wildlife Commission. That meeting was scheduled for January 16 but was canceled due to weather.

The expanded mailing list received *Newsletter #5* in March 1997.

In April 1997 park staff met in Odanah, Wisconsin, with the Lakes Committee of the

Great Lakes Indian Fish and Wildlife Commission in response to their September 1996 letter requesting a government-to-government meeting. Present at the meeting were representatives of the Red Cliff, Keweenaw Bay, Lac du Flambeau, and Bad River tribes along with employees of Great Lakes Indian Fish and Wildlife Commission.

In June 1997 a letter was sent to the tribes on the mailing list (excluding the Great Lakes Indian Fish and Wildlife Commission and the Minnesota Chippewa Tribal Committee) informing them that the park was willing to meet at the tribal headquarters to discuss the general management plan. The letters also stated that the park would contact them about scheduling meetings. At that time the park added the Mille Lacs band of Chippewa Indians and the Fond du Lac band of Minnesota Chippewa to the mailing list and sent them *Newsletter #5*.

Newsletter #6 was sent to the expanded mailing list in July 1997.

Park staff began contacting the tribes in July to determine if they wanted to meet. As a result of the contacts, Keweenaw Bay, Lac du Flambeau, Lac Vieux Desert, and Sault Ste. Marie requested meetings, which were scheduled for November 1997. Bay Mills, Fond du Lac, Mille Lacs, and Red Cliff declined meetings but asked that they be kept on the mailing list. Another tribal organization was added to the mailing list — the 1854 Authority, which represents the treaty rights (1854 treaty) of Grand Portage and the Bois Forte band of Chippewa. The park will continue efforts to contact Mole Lake, Bad River, St. Croix, and Lac Courte Oreilles to attempt to meet.

On August 12, 1997 park staff met with Grand Portage Tribal Chairman Norm Deschampe and other tribal representatives in Grand Portage to discuss the GMP effort.

Indians tribes and organizations contacted:

Keweenaw Bay Tribal Council
Lac Vieux Desert Band Business Committee
Grand Portage Reservation Tribal Council
Bad River Tribal Council
Red Cliff Tribal Council
Bay Mills Executive Council
Sault Ste. Marie Chippewa Tribal Council
Lac Court Oreilles Governing Board
St. Croix Council
Lac du Flambeau Tribal Council
Sokaogon Chippewa Tribal Council
Great Lakes Indian Fish and Wildlife Commission
Minnesota Chippewa Tribal Executive Committee
Fond du Lac Chippewa Band Tribal Council
Mille Lacs Chippewa Tribe, Tribal Council
1854 Authority

The *Draft General Management Plan / Environmental Impact Statement* was sent to these tribes and organizations in March 1998. The park received a letter in response from the Great Lakes Indian Fish and Wildlife Commission in April 1998 concerning treaty rights (the letter is included in Appendix D).

SOCIAL ENVIRONMENT

Architectural Barriers Act of 1968 (42 USC 4151 et seq.), Rehabilitation Act of 1973 (29 USC 701 et seq.), and Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327)

The National Park Service recognizes its obligations to provide public facilities that are accessible to and usable by all segments of the visitor population, regardless of ability. Accessibility to and use of Isle Royale National Park facilities by visitors with disabilities will continue to be provided in conformance with laws and regulations. To the greatest extent possible, commensurate with their abilities, visitors with disabilities will be able to enjoy the park and participate in recreational activities, using the same facilities and programs as the able-bodied; sensitive park planning and design will facilitate

this goal. Coordination of accessibility considerations will be developed where possible through consultation with local clubs and organizations whose members have disabilities.

Some developed areas of the park are more accessible than others. The degree of accessibility is, and will continue to be, proportional to the degree of development. Wilderness, primitive, and backcountry areas typically have little or no development and are managed primarily as areas removed from the imprint of man. These areas will be accessible to the extent feasible without major modifications. Although trails to these areas will be formalized to some degree, they will continue to be basically unimproved and will have topographic variations. New facilities in more developed areas will be accessible as will existing facilities that may be remodeled, including employee work areas and housing.

Programmatic access for sensory- and learning-impaired visitors will continue to be expanded.

Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 104 Stat. 3049)

Ownership or control of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that are excavated or discovered on federal or tribal land would be assigned to lineal descendants of culturally affiliated Native American groups. Criminal penalties were established for trafficking in remains or objects obtained in violation of the act. The Isle Royale museum collection was inventoried for human remains and associated funerary objects, and summaries were prepared. Culturally affiliated tribes were consulted during the process as required.

NATURAL RESOURCES

The following natural resources laws and regulations will be followed during implementation of the general management plan.

Endangered Species Act of 1973, as amended (16 USC 1531 et seq.)

Section 7 of the Endangered Species Act requires all federal agencies to consult with the U.S. Fish and Wildlife Service to ensure that any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of listed species or critical habitat.

Informal consultation with the U.S. Fish and Wildlife Service for the general management plan was initiated by letter dated January 18, 1996, to determine if any endangered or threatened species existed in or near Isle Royale National Park. A response, dated February 16, 1996, stated that certain listed and proposed endangered and threatened species and species of concern may occur in the area. The U.S. Fish and Wildlife Service commented on the draft in a letter dated May 22, 1998. The agency concurred with the National Park Service that the proposed action would not be likely to adversely affect listed species or critical habitat. Written correspondence is reprinted in Appendix D.

The National Park Service would continue to consult with the U.S. Fish and Wildlife Service regarding the need for threatened and endangered species surveys before beginning construction or rehabilitation activities. If such species were found, the National Park Service would develop and implement measures in consultation with the U.S. Fish and Wildlife Service to ensure that protected species would not be affected.

As required by NPS *Management Policies* the National Park Service would cooperate with the state of Michigan to ensure protection of state-listed species in the park.

Wilderness Act of 1964 (16 USC et seq (1988), 78 Stat. 890, Pub. L. 88-577).

This act established the national wilderness preservation system and sets forth requirements for wilderness designation and management. Isle Royale National Park includes 132,018 acres of

designated wilderness that must be managed following NPS policies.

Clean Air Act, as amended (42 USC 701 et seq.)

Section 118 of the Clean Air Act requires all federal facilities to comply with existing federal, state, and city air pollution control laws and regulations. Isle Royale management will work with the state of Michigan to ensure that park activities meet all requirements.

Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands)

Executive orders 11988 and 11990 direct federal agencies to enhance floodplain and wetland values, to avoid development in the floodplains and wetlands whenever there is a practicable alternative, and to avoid to the extent possible adverse impacts associated with the occupancy or modification of floodplains or wetlands.

Pursuant to federal and state regulations, there would be no actions in floodplains or wetlands in any alternative. Preliminary site investigation for all actions has ensured that impacts on these resources could be avoided during implementation. In all alternatives involving removal or construction of docks in navigable waters, the U.S. Army Corps of Engineers and Michigan Coastal Commission would be consulted about permits.

Federal Water Pollution Control Act as amended (USC 9 sec. 1251 et seq., as amended, 33 USC sec. 1251-1376, and 1987 Federal Water Quality Act)

Proposed construction and NPS operations would have only temporary, localized effects on water quality. Federal construction would comply with the requirements of sections 401 and 404 of the Clean Water Act and other applicable federal, state, and local regulations.

Michigan Coastal Management Program

The National Coastal Zone Management Act of 1972 authorizes a state-federal partnership to ensure the wise use and protection of the nation's coastal resources. Under the federal act, eligible states receive federal funding assistance to implement approved programs and to review federal activities consistent with those programs.

Federal agency activities in or affecting Michigan's coastal zone or activities requiring federal permits must comply with section 307 of the Coastal Zone Management Act and implementing regulations, which require that such federal activities be conducted consistently with Michigan's Coastal Management Program. Review of the *Draft General Management Plan / Environmental Impact Statement* by the state of Michigan constituted a review of consistency determination. When the state of Michigan concurs with a consistency determination, the state transmits a formal state consistency response to the federal agency.

Analysis of Impacts on Prime and Unique Agricultural Lands (45 FR 59189)

Federal agencies are required to analyze the impacts of federal actions on agricultural lands in accordance with the National Environmental Policy Act. This policy was developed to minimize the effect of federal programs in converting prime, unique, or locally important farmland to nonagricultural uses. There are no prime or unique farmlands in Isle Royale National Park.

LIST OF AGENCIES TO WHOM THIS DOCUMENT HAS BEEN SENT

Copies of this *Final General Management Plan / Environmental Impact Statement* will be sent to the following agencies.

Federal Agencies

Advisory Council on Historic Preservation
Michigan and Minnesota Congressional
Delegation
U.S. Environmental Protection Agency
U.S. Fish and Wildlife

State Agencies

Michigan State Historic Preservation Office
Michigan Department of Natural Resources
Michigan Department of Environmental Quality